



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2450

expedited rulemaking; outdated rules

Purpose

Expands specified conditions permitting a state agency to conduct expedited rulemaking procedures.

Background

Arizona Revised Statutes, Title 41, Chapter 6, Article 3, establishes the statutory requirements for agencies in regard to rulemaking authority. Statute defines *rulemaking* as the process for formalization and finalization of a rule and a *rule* as an agency's statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of an agency (A.R.S. § 41-1001). Additionally, statute establishes an *agency* for the purposes of rulemaking as boards, commissions, departments, state administrative units and officers with the exception of the Legislature, courts and the Governor (A.R.S. § 41-1001).

Statute outlines requirements related to the rulemaking process including the time and manner of rulemaking, opportunities for public participation and final review by the Governor's Regulatory Review Council. In particular, statute allows an agency to conduct expedited rulemaking if the rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated and does one more of the following: 1) amends or repeals rules made obsolete by repeal or supersession of an agency's authority; 2) amends or repeals rules for which the statute authorizing the rule has been declared unconstitutional; 3) makes, amends or repeals rules repeating verbatim existing statutory authority granted to the agency; 4) makes, amends or repeals rules relating only to internal governmental operations not subject to violation by a person; 5) corrects typographical errors, makes address or name changes or clarifies rule language without changing its effect; 6) adopts or incorporates, by reference without material change, federal statutes or regulations, A.R.S. or rules of other agencies; or 7) reduces or consolidates steps, procedures or processes (A.R.S. § 41-1027).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Modifies expedited rulemaking conditions allowing an agency to amend or repeal rules that are outdated, redundant or otherwise not necessary for the operation of state government.

FACT SHEET

H.B. 2450

Page 2

2. Makes technical and conforming changes.
3. Becomes effective on the general effective date.

House Action

GHE	2/4/16	DP	7-0-0-2
3 <sup>rd</sup> Read	2/18/16		36-21-3-0

Prepared by Senate Research

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RH/JO/rf